

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-CR- 80219-RLR

UNITED STATES OF AMERICA)
)
)
v.)
)
MICHAEL GORDON DOULGAS,)
a/k/a "DaddyBreendsFam,")
a/k/a "Michael,")
)
Defendant.)
)

GOVERNMENT'S RESPONSE TO DEFENDANT'S NOTICE OF DEFENDANT'S PENDING MOTION FOR VIDEO MEDICAL EXAMINATION AND TREATMENT

The United States, by and through the undersigned Assistant United States Attorney, hereby files this response to the defendant's notice of defendant's pending motion for video medical examination and treatment, and states as follows:

The government takes no issue with the defendant's notice or previously filed motion regarding video communications for medical purposes.

However, the government provides context to the seemingly unconnected issue raised by defendant's local counsel, Mr. John Howes, in the final paragraph of his notice of Docket Entry 34. In said paragraph Mr. Howes seems to alert the court to a discovery issue regarding the viewing of evidence that only the government possesses. Said discovery conference is already set for May 14, 2024 at the Homeland Security Office in West Palm Beach. Mr. Howes provides only that it was the undersigned's trial that has prevented the discovery conference from occurring.

To put the notice in context, on March 5, 2024, Mr. Howes advised the undersigned that he had a wedding to attend, his spouses' scheduled trial, home construction, and a murder trial in the U.S. Virgin Island's in which he was counsel, that would all crowd his schedule for two months

in regards to having the discovery conference.

About one month later, on Wednesday, April 3, 2024, Mr. Howes contacted the undersigned to request the discovery conference on Friday April 5, 2024. The undersigned responded the next day that an agent was not available to conduct the discovery conference, that due to trial preparations and trial in United States v. Fuertes, followed by the Passover holiday, the earliest available dates would be May 2, 6, 7 and 9, 2024. Mr. Howes replied that he would respond the next day with a date convenient for him.

Having not heard from Mr. Howes, the undersigned reached out on April 26, 2024, after the trial and first days of Passover concluded to schedule the discovery conference.

On April 29, 2024, Mr. Howes emailed the undersigned that if the latter's "trial washes out" he can be in West Palm Beach on short notice. The undersigned returned the email on Tuesday night April 30, 2024 at 9pm (immediately after the second days of the Passover holiday) to advise that the agents had been available part of that week but were unavailable until May 14th and 15th (the earlier dates in May having since become unavailable) for the discovery conference.

Mr. Howes then provided a draft of his notice regarding motion for video communications for medical purposes on May 1, 2024 that included the paragraph about the discovery conference. The undersigned responded that the paragraph seems misplaced in the notice, that a formal discovery demand should be made separately if warranted, but that the paragraph was irrelevant since a preview date of May 14, 2024 was already set.

The undersigned files the forgoing in an abundance of caution such that the Court should not conclude that the parties are *both* not working diligently to resolve discovery issues.

Respectfully submitted,

MARKENZY LAPOINTE
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 2, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

s/Gregory Schiller
Gregory Schiller
Assistant United States Attorney